



Seaport West
155 Seaport Boulevard
Boston, MA 02210-2600

617.832.1000 main
617.832.7000 fax

Andrew Z. Schwartz
617-832-1155 direct
aschwartz@foleyhoag.com

February 3, 2020

Via ECF

Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *Foresight Luxembourg Solar 1 S.A.R.L., et al. v. Kingdom of Spain*,
Case No. 1:19-cv-3171

Dear Judge Ramos:

We represent Respondent, the Kingdom of Spain, in the above-referenced action. Spain's motions to transfer this action to the District of Columbia, ECF No. 39, and to stay this action, ECF No. 41, are pending before the Court.

Spain's transfer motion was based on the pendency of four other similar actions in the District of Columbia. *See* ECF No. 40 at 9; ECF No. 58 at 5-7. There are now three more such cases.¹ Of the seven D.C. cases, the one that bears the closest resemblance to this one is *Novenergia II — Energy & Env't (SCA) v. Kingdom of Spain*. As Spain previously has stated, if its motion to transfer is granted, Spain will seek to consolidate this case with *Novenergia*. ECF No. 40 at 9; ECF No. 58 at 6 n.2.

We write to inform the Court of a recent decision in *Novenergia*. On January 27, 2020, Judge Chutkan granted Spain's motion to stay that case pending the outcome of proceedings to set aside the award before the Svea Court of Appeal in Sweden. *Novenergia II — Energy & Env't (SCA) v. Kingdom of Spain*, No. 18-cv-1148 (TSC), 2020 U.S. Dist. LEXIS 12794, 2020 WL 417794 (D.D.C. Jan. 27, 2020) (copy attached as Exhibit 1). Just as in *Novenergia*, proceedings before the Svea Court to set aside the award at issue in this case remain pending. We request that the Court consider this recent decision in adjudicating Spain's pending motions.

¹ They are: *NextEra Energy Global Holdings B.V., et al. v. Kingdom of Spain*, Case No. 19-cv-1618-TSC (D.D.C., filed June 3, 2019); *9REN Holdings S.a.r.l. v. Kingdom of Spain*, Case No. 19-cv-1871-TSC (D.D.C., filed June 25, 2019); and *RREEF Infrastructure (G.P.) Ltd., et al. v. Kingdom of Spain*, Case No. 19-cv-3783-CJN (D.D.C., filed Dec. 19, 2019).

Hon. Edgardo Ramos
February 3, 2020
Page 2

Respectfully submitted,

/s/ Andrew Z. Schwartz
Andrew Z. Schwartz (AS2166)

cc: All counsel of record (via ECF)